

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6492

Petition of Central Vermont Public Service)
Corporation pursuant to 30 V.S.A. § 248(j) for a)
certificate of public good authorizing)
reconfiguration of 46 kV transmission facilities)
outside the Salisbury Substation in Salisbury,)
Vermont)

Order entered: 6/19/2001

I. INTRODUCTION

This case involves a petition filed by Central Vermont Public Service Corporation ("CVPSC") on March 19, 2001, requesting a certificate of public good under 30 V.S.A. § 248(j) to reconfigure transmission facilities around the existing Salisbury Substation located in Salisbury, Vermont, through the installation of one pole, one switch, sixty feet of conductor, and the retirement of one switch and twenty-four feet of conductor.

CVPSC served the petition, prefiled testimony, proposed findings, and a proposed order (along with a prospective CPG) on the Public Service Board ("Board"), the Vermont Department of Public Service ("DPS"), and the Vermont Agency of Natural Resources ("ANR").

Notice of the filing in this docket was sent on April 11, 2001, to all parties specified in 30 V.S.A. § 248(a)(4)(C) and all other interested parties. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 needed to file comments with the Board on or before May 14, 2001.

Notice of the filing, with a request for comments on or before May 14, 2001, was published in the *Addision County Independent* on April 16 and 23, 2001. No comments were received.

The DPS filed a letter with the Board on May 14, 2001. In its filing, the DPS does not request a hearing or oppose issuance of a certificate of public good, pursuant to 30 V.S.A. § 248(j), for the subject project.

The DPS also filed a Determination Under 30 V.S.A. § 202(f) on May 11, 2001. No comments were received by any other parties or interested persons.

The Board has reviewed the petition and accompanying documents and agrees that, pursuant to 30 V.S.A. § 248(j), a CPG should be issued without the notice and hearings otherwise required by 30 V.S.A. § 248.

II. FINDINGS

Based upon the petition and its accompanying documents, the Board hereby makes the following findings in this matter.

1. CVPSC is a duly organized public service corporation with a principal place of business at 77 Grove Street, Rutland, Vermont. Pet. at 1.
2. CVPSC owns and operates electrical distribution and transmission systems in the Town of Salisbury, Vermont. Watts pf. at 1.
3. From the existing CVPSC Salisbury Substation, 46 kV transmission lines travel to the North Rutland, Middlebury and Bethel substations. In addition, there is a 7-pole transmission tie line (operated normally open) to Vermont Marble Company's 46 kV transmission line in Salisbury. Watts pf. at 1.
4. The existing 46 kV transmission line from the Salisbury substation to North Rutland connects to substations located in Mendon, East Pittsford, Pittsford, Otter Valley and Brandon. In addition, a 4.75 mile transmission tap line ("Leicester Tap") to the existing Leicester Substation is also connected to this line. Watts pf. at 1.
5. The Leicester Tap connection to the North Rutland line is located approximately 200 feet outside the Salisbury Substation. Watts pf. at 1.
6. The proposed project involves the realignment of the first span of the existing CVPSC 46 kV Leicester Tap from its existing connection to the North Rutland line to a 2-way group-operated air break switch installed in the normally open tie to the existing Vermont Marble Company 46 kV transmission line. Watts pf. at 1.
7. The proposed realignment would remove the Leicester Tap from exposure to any outages on the 26 miles of line between Salisbury and North Rutland. Watts pf. at 1.

8. The proposed project will consist of the replacement of one pole, the installation of 60 feet of conductor, and the retirement of 24 feet of conductor. Watts pf. at 1-2.

9. The proposed routing for the relocation of the line involves properties currently owned by CVPSC. Watts pf. at 2.

Orderly development of the Region

[30 V.S.A. § 248(b)(1)]

10. The proposed project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by findings 11 through 13, below.

11. The proposed project involves the realignment of existing facilities for the purpose of increasing system safety and reliability, and will not materially impact existing or potential land uses in the region. The Salisbury Town Plan does not contain any recommendations contrary to the proposal. Upton pf. at 1-2.

12. The proposal will not impact areas of natural or cultural significance. Upton pf. at 2-8.

13. The proposed project will not impact any land conservation measures included in the Salisbury Town Plan. Upton pf. at .

Need For Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

14. The proposed project is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost effective manner through energy conservation programs and measures and energy efficiency and load management measures. Watts pf. at 2. This finding is supported by findings 4 through 7, above.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

15. The proposed project will not adversely affect system stability and will ensure reliability by removing the Leicester Tap from exposure to the 26 miles of line between the Salisbury and North Rutland Substations. Watts pf. at 1; Stacom pf. at 1.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

16. The proposed project will result in an economic benefit to the State. This finding is supported by findings 17 and 18, below.

17. The total construction cost for the proposed project is estimated at \$20,000 (2001 dollars). Watts pf. at 2.

18. The proposed project benefits the Company's customers because it will ensure system reliability and stability by removing the existing Leicester Tap from exposure to the 26 miles of line between the Salisbury and North Rutland Substations (see finding 15, above) and decreasing the expected duration of outages for customers served by the existing Leicester Tap. Stacom pf. at 1-2.

**Aesthetics, Historic Sites, Air and
Water Purity, the Natural Environment and Public
Health and Safety**

[30 V.S.A. § 248(b)(5)]

19. The project as proposed will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and the public health and safety. This finding is supported by findings 20 through 50, below, which are based on the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8), 8(A) and (9)(K).

Outstanding Resource Waters

[10 V.S.A. § 1424a(d)]

20. The proposed project will not affect any Outstanding Resource Waters of the state as identified by the Water Resources Board. Upton pf. at 8.

21. There are no Class I or II wetlands involved with this proposed project. Exh. TOU-1.

22. The only stream involved with this proposed project is the Leicester River. The proposed project will cause no increased impact on any rivers or streams (see also finding 30, below). Upton pf. at 3-5.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

23. The project as proposed will not result in undue water or air pollution. This finding is supported by findings 24 through 33, below.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

24. The proposed project will not be located in headwaters areas. Upton pf. at 4.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

25. The proposed project as designed will meet any applicable health and environmental conservation regulations regarding the disposal of wastes, and will not involve the injection of waste materials or any harmful toxic substances into ground water or wells. This finding is supported by findings 26 and 27, below.

26. There will be no disposal of any waste material into surface or groundwater. Upton pf. at 4.

27. Any construction debris will be disposed of at a state approved landfill. Upton pf. at 4.

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

28. The proposed project will not require the use of water. Upton pf. at 4.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

29. The proposed project is located directly adjacent to the Leicester River, and is likely in the floodway. Replacement of one pole and installation of aerial facilities will have no additional impact on the floodway. The proposal will therefore neither increase restriction nor diversion of the flow of flood waters, nor endanger the health, safety and welfare of the public or of riparian owners during flooding. Upton pf. at 4.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

30. The only river or stream involved with this proposed relocation is the Leicester River. The small amount of construction and clearing will ensure that there will be no increased impact on any rivers or streams. Upton pf. at 5.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

31. The only shorelines involved with this project are those of the Leicester River, which will not be impacted by construction or related clearing associated with the proposed project. The condition of the shore and access to the river will remain unchanged. Sufficient vegetative cover will be retained to maintain the stability of the bank. Construction access to the area will be by way of an existing transmission corridor and it will not be necessary to cross the river or to operate any equipment on the riverbank at any point. Upton pf. at 5.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

32. There are no Class I or II wetlands associated with this proposed project (See finding 21 above). Exh. TOU -1.

Air Pollution

[10 V.S.A. § 6086(a)(1)]

33. The proposed project will not result in unreasonable air pollution because there will be no emissions from the project. If any clearing is necessary, vegetative materials will be chipped and mulched or disposed of at an approved off site location. No burning will be required for construction of this proposed project. Upton pf. at 3.

Sufficiency of Water And Burden on**Existing Water Supply**

[10 V.S.A. § 6086(a)(2)(3)]

34. The proposed project will not require the use of water and will not place a burden on any existing water supply. Upton pf. at 4.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

35. The proposed project as designed will not result in unreasonable soil erosion or reduce the ability of the land to hold water. This finding is supported by findings 36 and 37, below.

36. The only earth disturbance associated with the proposed project is the replacement of one existing pole. Upton pf. at 5.

37. Low growing vegetation will be retained, and no clearing will take place on or adjacent to the banks of the Leicester River. Upton pf. at 5-6.

Traffic

[10 V.S.A. § 6086(a)(5)]

38. The proposed project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. Upton pf. at 6.

Educational Services

[10 V.S.A. § 6086(a)(6)]

39. The proposed project will have no impact on the ability of any municipality to provide educational services. Upton pf. at 6.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

40. The proposed project will have no impact on the ability of any municipality to provide municipal services. Upton pf. at 6.

Aesthetics, Historic Sites or Rare

And Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

41. The project as proposed will not have an undue adverse effect on the scenic or natural beauty, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 42 through 46, below.

42. The proposed reconfiguration involves the replacement of an existing pole, installation of 60 feet of conductor and one switch, and retirement of 24 feet of conductor and one switch. Exh. DGW-1.

43. The proposed project will not adversely affect any views as the lines will look essentially identical to their present configuration after the project is complete. Exh. DGW-1; Upton pf. at 7.

44. There will be little or no clearing necessary to accommodate the proposed project. In addition, low growing vegetation will remain along the banks of the Leicester River. Upton pf. at 4.

45. Based on the above, the transmission line reconfiguration will generally fit within the context of the area in which it is proposed, and it will not adversely affect the Town of Salisbury in which it is proposed. Upton pf. at 7; exh. DGW-1.

46. There are no known historic sites nor rare or irreplaceable areas impacted by this proposed project. Upton pf. at 7-8; exh. TOU-1.

Discussion

Based on the above findings, the Board finds that this proposed project will not have an undue adverse effect on the aesthetics or scenic and natural beauty of the area. In reaching this conclusion, the Board has relied on the Environmental Board's methodology for determination of "undue" adverse effects on aesthetics and scenic and natural beauty as outlined in the so-called Quechee Lakes decision. Quechee Lakes Corporation, #3W0411-EB and 3W0439-EB, dated January 13, 1986.

As required by this decision, it is first appropriate to determine if the impact of the proposed project will be adverse. The proposed project would have an adverse impact on the aesthetics of the area if its design is out of context or not in harmony with the area in which it is located. If it is found that the impact would be adverse, it is then necessary to determine that such an impact would be "undue". Such a finding would be required if the proposed project violates a clear written community standard intended to preserve the aesthetics or scenic beauty of the area, if it would offend the sensibilities of the average person, or if generally available mitigating steps will not be taken to improve the harmony of the proposed project with its surroundings.

Given the facts of this case, we do not find that this proposed project would have an adverse effect on the aesthetics of the area because the proposed project simply reconfigures existing facilities in a way that will be nearly unnoticeable. The proposed project will not result in a significantly different appearance to that of the existing transmission line.

Necessary Wildlife Habitat and

Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

47. The proposed project will not impact any designated natural areas or known endangered species sites. Upton pf. at 7-8; exh. TOU-1.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

48. The proposed facilities will not unnecessarily or unreasonably endanger the public or quasi-public investments in any governmental public utility facilities, services, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of or access to such facilities, services, or lands. Upton pf. at 8.

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

49. The proposed project will be constructed in accordance with the National Electrical Safety Code. Upton pf. at 3.

Compliance With Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

50. The project as proposed is consistent with the Vermont 20-Year Electric Plan. Watts pf. at 2. The DPS has determined, in a letter dated May 11, 2001, that the proposed project is consistent with the Vermont 20-Year Electric Plan in accordance with 30 V.S.A. § 202(f), provided that the petitioner's actions in this matter are consistent with the petition and testimony. DPS Section 202(f) Determination.

Outstanding Water Resources

[30 V.S.A. § 248(b)(8)]

51. No designated Outstanding Resource Waters will be affected by the proposed project. Upton pf. at 8.

Existing Transmission Facilities

[30 V.S.A. § 248(b)(10)]

52. The proposed project can be served economically by existing transmission facilities without undue adverse effect on Vermont utilities or customers. Watts pf. at 2.

III. CONCLUSION

Based upon all of the above evidence, the proposed construction will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the reconfiguration of transmission facilities, through the installation of one pole, one switch, sixty feet of conductor, and the retirement of one switch and twenty-four feet of conductor, around the existing Salisbury Substation located in Salisbury, Vermont, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248, and a certificate of public good shall be issued in this matter.

Dated at Montpelier, Vermont, this 19th day of June, 2001.

<u>s/Michael H. Dworkin</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: June 19, 2001

ATTEST: s/Susan M. Hudson

Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or mail) of any technical errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.